

MELLEN TESTIFIES MORGAN BLOCKED N. H. TROLLEY DEAL

Tells About Failure of His Secret Agreement to Limit Traction Holdings.

STEAMSHIP LEASING DETAILS ARE BARED

Charles S. Mellen yesterday told the jury in the United States court when the eleven New Haven men are on trial how the differences between the late J. P. Morgan and Robert Winsor of Kilder, Peabody & Co. of Boston prevented the carrying out of an agreement whereby the New Haven would have limited its trolley holdings in one section of New England to property acquired in 1906. Mr. Mellen, without the advice or knowledge of his board of directors, entered into the agreement with Mr. Winsor, but the attitude of the New York financier was such that it could not be carried out.

This testimony and the reading of a letter written to William Rockefeller outlining reasons for the acquisition of some Rhode Island trolleys were two of three incidents in a day of details in which some of the jurors dozed comfortably and public attendance was reduced to one or two witnesses.

The third incident was the testimony of Capt. Harry W. Goodall of San Francisco, head of the syndicate which took the Yale and Harvard to the Pacific coast. He swore that instead of the New Haven forcing the ships to go to the Pacific in order to remove them from Atlantic coast competition he was after them for years because they were just what he wanted for the San Francisco-San Pedro-San Diego route.

Tells of Leasing Ships.

The Yale and Harvard were leased, Capt. Goodall testified, from the Metropolitan Steamship Company of New Jersey and the Pacific Navigation Company. It developed during the testimony that among the men with whom Capt. Goodall negotiated was Warren D. Chase of Hartford, a young lawyer associated with E. D. Robbins. Mr. Chase was represented by the Metropolitan Steamship Line. The steamers were leased December 6, 1910, delivery to be made at San Pedro.

Mr. Swacker went into every detail of the formation and operation of the companies through which the steamships passed. The Pacific company was organized by Mr. Robbins and was capitalized at \$1,000,000. Of this amount \$750,000 was utilized in taking up the notes of the Metropolitan Steamship Company, and the balance was working capital. The Pacific company took a second mortgage on the Metropolitan Steamship Company of New Jersey. The \$250,000 monthly payment of the Pacific Navigation to the New Jersey Metropolitan were used in paying off the second mortgage and a dividend was paid on the common and preferred stock by the Pacific company. Mr. Robbins was the principal stockholder of the New Jersey Metropolitan company later on.

Charles F. Choate of Boston cross-examined Capt. Goodall and got from him a statement that he tried to get the Yale and Harvard from Boston in 1907, but was prevented from doing so. He heard their owners were in trouble. They were just what he wanted. He tried to talk to Mr. Mellen about them in 1907, but Mr. Mellen told him that he had nothing to do with them. Asked whether he is to try to renew the lease which expired January 1, 1916, he replied that he has spoken about it to Mr. Robbins. "But he is now otherwise engaged," added the witness, at which point he smiled. Mr. Robbins being a defendant.

Pleading to Defence.

The defence regarded the testimony as favorable, as it contradicted the Government's contention that the ships were sent to the Pacific coast to take them out of competition on the New England coast.

Mr. Mellen then resumed his seat in the witness chair and the Government went back to the old Boston-Providence trolley line which was never built. This is the line concerning which Mr. Morgan, Sr., spoke to Robert Winsor of Kilder, Peabody & Co. at Mr. Mellen's suggestion. Mr. Morgan, Sr., told Mr. Winsor that he had entered into a private agreement which was never submitted to the New Haven directors.

By the terms of this agreement, Mr. Mellen engaged not to interfere with the building of the Woonsocket road unless it interfered with the details of the New Haven. The New Haven was given an option to buy into the line, and both parties were bound to cooperate in legislation. In addition it was agreed that the New Haven should not extend its trolley system further in New England, should not go east of Worcester or to the Connecticut coast. This agreement was deposited with Charles F. Choate, Jr., of Boston and no copies were made. It was explained that it meant that the New Haven was to stop where it was, so far as trolleys were concerned.

Mr. Mellen wrote to Mr. Winsor on June 4, 1912, withdrawing from the agreement. "We had been drifting apart," the witness explained. He was pressed by E. L. Stephenson for further explanation.

"The attitude of Mr. Morgan toward Mr. Winsor made it impossible for us ever to carry it out," he replied.

"What was this difference due to?" asked Mr. Stephenson.

"Cause of Bad Feeling."

"It had nothing to do with the New Haven," answered the witness. It was said after the trial adjourned that the trouble between the financiers was due to a phase of the organization of the American Telephone and Telegraph Company. Bad feeling was engendered and it was said that the Boston financier paid his first visit to the New Haven offices during the recent negotiations for the Anglo-French \$500,000 loan.

Thereafter Mr. Stephenson read many letters, reports and minutes of the trolleys, during which most of the jurors dozed and even Mr. Mellen on the witness stand closed his eyes once or twice. There was nothing but the details of the acquisition of the trolleys, all of which were set forth in the annual reports of the New Haven road.

The letter to Mr. Rockefeller regarding the trolley purchases said that although the price the railroad or its Consolidated Railway Company was to pay might be high, it was worth it in order to control the lines.

The trial has completed its sixth week and it is believed to be the longest yet, which will run it beyond Christmas. In this time about \$50,000 worth of testimony have been taken.

Consumers' League Dinner.

The Consumers' League will have its twenty-first anniversary dinner to-night at 7:30 o'clock at Delmonico's. Mr. Frederick Nathan will preside and there will be several speeches.

SEAMEN'S BILL PASSED BY TRICK, DECLARES SENATOR GALLINGER



Senator Hoke Smith.
Continued from First Page.

had supposed there were to be at least two speeches before the vote was taken, that he had gone downstairs to testify in a case affecting New York city and that, to his surprise, the Senate had voted in his absence. He said a number of Senators had intended to speak against the La Follette bill. He gave his own reasons for opposing the measure and Senator La Follette replied.

"There may be many splendid features in this bill," Senator Smith said, "and I would be glad to see many of these features extended to the vessels of the world by common agreement. But to undertake in this way to force them on every vessel that comes into our harbors is to force these vessels out of our harbors to a great extent."

Senator Stone said that the report had been agreed to "under very peculiar circumstances" and that advantage had been taken of the absence of the opposition leaders. Senator Burton advocated reconsideration. But on motion of Mr. La Follette the motion to reconsider was defeated. The vote was 29 to 23, with twenty-four Senators not voting. Among those who voted against the tabling resolution were Senators Root, O'Gorman, Penrose, Culberson and Hoke Smith.

GALLINGER CONFIRMED.

Democrats Tell How Report Was Rushed Through.

WASHINGTON, Nov. 17.—Confirmation was obtained today from Democratic sources of the facts given out by Senator Gallinger of New Hampshire as to the way in which the conference report on the La Follette seamen's bill was put through the Senate.

"The situation was this," said one

Democratic leader, "Senator Vandaman had taken the floor to speak in support of the conference report. We had understood that he was to occupy considerable time. Senator La Follette was to follow, we were told, in a speech that would occupy several hours. Senator Lodge, Senator Hoke Smith and other Senators had indicated their desire to talk.

"It was near the close of the session and everybody was busy. Senators who were not occupied on the floor had preceded by a long conference with the President induced the latter to change his mind and approve the bill.

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Senator John W. Weeks.

Senators left the chamber to attend to other matters. At the time the conference report was adopted there was not a Senator on the floor who was leading the opposition to the measure. Evidently the friends of the bill discovered this situation. Senator Vandaman, who had the floor, cut short his speech and many of those opposed to the conference report have always thought that Senator La Follette suggested to the Senator from Mississippi, Mr. Vandaman, that he yield the floor. Mr. La Follette, instead of taking the floor, allowed the debate to end, which made it necessary for the Vice-President to put the question affirmatively on the adoption of the conference report. The absence of the bill's opponents was responsible for the fact that there was no demand for a roll call on the adoption of the report.

The Congressional Record of the proceedings shows that Senator Stone pleaded for Ohio to answer statements made by Senator La Follette. This plea was declared to be inadvisable. Mr. La Follette had refused to permit Mr. Burton to make a statement and Senator La Follette had refused to permit Mr. Burton to make a statement and Senator La Follette had refused to permit Mr. Burton to make a statement.

The vote was forced under these circumstances. Senator Vandaman had taken the floor to speak in support of the conference report. We had understood that he was to occupy considerable time. Senator La Follette was to follow, we were told, in a speech that would occupy several hours. Senator Lodge, Senator Hoke Smith and other Senators had indicated their desire to talk.

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Senator J. H. Gallinger (above).

Senator Robert M. La Follette (below).

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EXTRA M'CALL STOCK WENT TO HIS NEPHEW

85 Shares Transferred Before Judge Joined Public Service Board.

NO "P. S. C." ON HIS AUTO

Perley Morse & Co., the public accountants who reported to the Thompson legislative committee on Monday that Judge McCall owned at one time eighty-five shares of Kings County Electric Light and Power Company stock, had testified before the committee, reported yesterday that further examination showed that Judge McCall disposed of these eighty-five shares long before he became chairman of the Public Service Commission.

Much ado was made over the discovery announced on Monday and the committee, anxious to know whether or not Judge McCall still owned or had but recently transferred this stock, directed the accountants to pursue the history of these shares. When it appeared yesterday that these eighty-five shares had passed from Judge McCall's hands as long ago as December, 1907, Deputy Attorney-General Lewis, counsel to the committee, hastened to make the facts known and asked that as much publicity be given to the case as appeared necessary or desirable.

Perley Morse & Co